

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<hr/>		:	17 Civ. 3427
MAJOR ELEVATOR CORP,		:	
		:	
	Plaintiff,	:	ANSWER
		:	(Jury Trial Demanded)
	--against--	:	
		:	
EZQUIRE ELEVATOR, LLC, JOEL SMITH,		:	
and ANTHONY GRAVES,		:	
	Defendants.	:	
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DEFENDANTS' ANSWER

Defendants Ezquire Elevator, LLC (“Ezquire”), Joel Smith, and Anthony Graves, by and through their attorneys, answer the Complaint filed by Major Elevator Corp. in New York County, and thereafter removed to this Court on the basis of diversity jurisdiction, as follows:

1. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 1.
2. Admits to the allegations contained in paragraph “2”.
3. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 3.
4. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 4.
5. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 5.

6. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 6.

7. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 7.

8. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 8.

9. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 9.

First Defense

Defendants deny all allegations of Plaintiff's Complaint not explicitly admitted in this Answer and demand strict proof of such allegations.

Second Defense

Plaintiff's Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

Third Defense

Plaintiff's claims are barred by the doctrine of waiver and estoppel.

Fourth Defense

. A condition precedent to activating performance obligations did not occur.

Fifth Defense

The parties agreed to a different form of performance of the contracts that discharges the contracts.

Sixth Defense

Plaintiff's monetary claims are barred in whole or in part by its failure to mitigate damages.

Seventh Defense

Defendants reserve the right to amend its Answer to Plaintiff's Complaint to raise any claims or additional defenses that may become available during the pendency of this litigation

Jury Trial Demanded

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Defendants demand a jury for any and all any issues triable of right by a jury.

Dated: July 24, 2017
New York, New York

/s/ Julie R. Solarz

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Ezquire Elevator, LLC, Joel Smith,
and Anthony Graves*

CERTIFICATION OF SERVICE

I hereby certify that on July 24, 2017, I electronically filed the foregoing with the Clerk of the Court for the Southern District of New York by using the CM/ECF (Case Management/Electronic Case Files), the case management and electronic court filing system for the Court. I certify that all participants in the case are registered users and that service will be accomplished by the CM/ECF system.

/s/ Julie R. Solarz

Julie R. Solarz